

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1307 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAJESHWARI DIPAK PARMAR

Versus

DIPAK VIRJIBHAI PARMAR

Appearance:

MR PB MAJMUDAR for Petitioner

SERVED BY AFFIXING for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 11/02/98

ORAL JUDGEMENT

RULE.

Service of notice on respondent-Dipak Virjibhai Parmar is effected by affixing. The petitioner was wedded with the respondent in the year 1990. Out of their wedlock, a male child namely; Vikram was born on 26.1.1991. It appears that the couple could not live

happily. There are allegations and counter-allegations. Suffice it to say that the petitioner-wife has filed a suit being HMP No.221/97 for restitution of conjugal rights which is pending in the City Civil Court, Ahmedabad. The respondent-husband also filed a suit for divorce being HMP 312/97 which is pending in the Court of Civil Judge (SD), Surat.

2. The petitioner seeks transfer of HMP case No. 221/97 to Ahmedabad on the ground that it is difficult for her to attend every date of hearing at Surat with the minor child. It is also stated that her financial condition is also not good and she cannot undertake frequent visit to Surat.

3. Considering the aforesaid circumstances and the fact that the application for transfer is not opposed, it is considered appropriate to grant the prayer.

4. In view of the above, this Misc.Civil Application filed under section 24 CPC is allowed and HMP case No.312/97 pending in the Court of Civil Judge (SD), Surat be transferred to the City Civil Court, Ahmedabad and be heard along with HMP 221/97 pending in the City Civil Court, Ahmedabad.

Rule made absolute to the aforesaid extent.

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msh.